

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5431 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANTILAL G SHAH

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR SR BRAHMBHATT for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/02/98

ORAL JUDGMENT

Heard the learned counsel for the petitioner and perused the Special Civil Application.

2. So far as the first prayer made by petitioner in this Special Civil Application is concerned, in view of the reply as contained in para-3 thereof of the respondents, it no more survives. So far as the rest of

the prayers are concerned, for awarding interest to the petitioner for delayed payments of retirement benefits, it is suffice to say that the petitioner is unable to make out any case. The petitioner was ordered to be prematurely retired on 12.6.76. That premature retirement has been challenged by petitioner before this Court and this Court, on 26th December 1983, declared the same to be illegal. During the pendency of this Special Civil Application the petitioner has reached the age of superannuation on 31st May 1979, and after that date, it is not the case of the petitioner that any delay has been made in making payment of retirement benefits to the petitioner. In view of these facts of the case, the other reliefs prayed for by the petitioner in this Special Civil Application cannot be granted.

3. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court, stands vacated. No order as to costs.

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(sunil)